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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/061,794	02/01/2002	Melanie K. Anderson	11610.02	1888
20322	7590	11/01/2004	EXAMINER	
SNELL & WILMER ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, AZ 850040001			CHRISTMAN, KATHLEEN M	
		ART UNIT	PAPER NUMBER	
			3713	

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/061,794	ANDERSON ET AL.
	Examiner Kathleen M Christman	Art Unit 3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 15 July 2004.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 July 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

### DETAILED ACTION

In response to the amendment filed 07/15/2004, claims 1-20 are pending.

#### *Drawings*

The drawings were received on 07/15/2004. These drawings are accepted as replacements for figures 2A-2R.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Pellegrino et al (US 6149441).** Pellegrino et al teaches a method for providing an electronic editor tool for an on-line system including: providing on-line content, within a database, concerning educational materials for a particular educational course (the lesson database, col. 2: 49-50); providing on-line an electronic syllabus for the educational course, the syllabus identifying units, assignments, and educational materials for the educational course (referred to as a "lesson plan" by Pellegrino and described in Table II); selectively permitting users on-line to edit the content (col. 10: 50-65); and automatically implementing the on-line editing to the content for subsequent display, including using an interface to prevent the users interacting directly with the database by receiving the edited content from the users and implementing the edited content in the database according to a format required by the database (the "done" and "publish" options

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shown in Table III), as in **claim 1** and similar system **claim 11**. Receiving on-line a request from a user to edit the content; verifying the user; and permitting the user to edit the content based upon the verifying (**claims 2 and 12**), is taught at least at col. 24: 51-64. Receiving a request to edit a particular feature in the content; and retrieving and displaying the particular feature for editing (**claims 3 and 13**) is taught in at least col. 13: 32-45. Retrieving and displaying a default template for editing based upon the content (**claims 4 and 14**) is taught in Figure 29 and its supporting description. Retrieving default content for use in on-line editing of the content (**claims 5 and 15**) is akin to the search functions described in association with the media catalog, see col. 11: 23-52. Automatically rendering the default content for a particular portion of the content (**claims 6 and 16**) is taught in col. 11: 66-66. Retrieving default styles for use in on-line editing of the content (**claims 7 and 17**) is akin to the use of default templates, see Figure 29.

Displaying tabs identifying portions of the content; selectively permitting users on-line to edit the content via selection of the tabs; and automatically implementing the on-line editing to the content for subsequent display (**claims 8 and 18**) is shown in Figures 33 and 34 and Table III. Retrieving an identification of default content based upon the selected tab (**claims 9 and 19**) is taught in col. 23: 61 – col. 24: 12. Retrieving and displaying an identification of a default style based upon the selected tab (**claims 10 and 20**) is shown in col. 24: 9-12.

#### ***Response to Arguments***

2. Applicant's arguments filed 07/15/2004 have been fully considered but they are not persuasive. Applicant's arguments are directed to the newly added limitation of using an interface so as to prevent a user from interacting directly with the database. It is the examiner's position that this limitation is taught by the already cited portions of the Pellegrino et al reference. The "publish" feature of Pellegrino is defined as "publish this lesson, making it available for other's to use. This also 'write protects' the lesson so that it cannot be modified or deleted by unauthorized users". The editing features of Pellegrino et al, including those referred to by applicant, are not performed directly on the educational content in the database until such time as the user actually completes the lesson. These features are further shown in

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col. 24: 51-64. The interface, which is now claimed by the applicant, writes directly to the database in the same manner as when a teacher selects one of the above options. The figures which the applicant points to as showing that the users of the Pellegrino et al system are acting directly on the content of the database, again merely show the interfaces that the user is presented with during their sessions with the system.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (703) 308-6374. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (703) 308-2064. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kathleen M. Christman



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PRIMARY EXAMINER  
TC3700